

10-10-01

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**UTILITY PATENT APPLICATION TRANSMITTAL  
(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
1974.003

Total Pages in this Submission

**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**CASPASE INHIBITORS FOR INHIBITING BLOOD CELL PROLIFERATION AND FOR TREATING  
AUTOIMMUNE DISEASES**

and invented by:

BUDD et al.

a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: PCT/EP00/03019

which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: \_\_\_\_\_

enclosed are:

**Application Elements**

1. ☐ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 15 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Microfiche Appendix (if applicable)
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if drawings filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure

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**Application Elements (Continued)**

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*  
a. ☒ Formal      b. ☐ Informal      Number of Sheets 6
4. ☒ Oath or Declaration  
a. ☐ Newly executed *(original or copy)*      ☒ Unexecuted  
b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*  
c. ☒ With Power of Attorney      ☐ Without Power of Attorney  
d. ☐ DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied  
under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby  
incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission *(if applicable, all must be included)*  
a. ☐ Paper Copy  
b. ☐ Computer Readable Copy  
c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

**Accompanying Application Parts**

8. ☐ Assignment Papers *(cover sheet & documents)*
9. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☒ Information Disclosure Statement/PTO-1449      ☒ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing  
☐ First Class      ☒ Express Mail *(Specify Label No.):* EL 910605394 US

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Docket No  
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**Accompanying Application Parts (Continued)**

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☐ Small Entity Statement(s) - Specify Number of Statements Submitted: \_\_\_\_\_
17. ☒ Additional Enclosures *(please identify below)*:

Patent Application Bibliographic Data - ePAVE.

Copy of Parent PCT Application as published in German Language.

Copy of Certified translation of Parent PCT as published, and amended PCT claims *gc*

**Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)**

3. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

**Warning**

***An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.***

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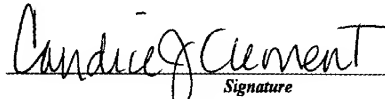
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	21	- 20 =	1	x \$9.00	\$9.00
Indep. Claims	3	- 3 =	0	x \$42.00	\$0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$370.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$379.00

- ☒ A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of \_\_\_\_\_ as filing fee.
  - ☐ Credit any overpayment.
  - ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: October 9, 2001

  
Signature

Candice J. Clement, Esq.  
Reg. No. 39,946  
Customer No.:



23405

PATENT, TRADEMARK OFFICE

CC:

10-10-01

## CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Applicants: BUDD *et al.*

Title: CASPASE INHIBITORS FOR INHIBITING BLOOD CELL PROLIFERATION AND  
FOR TREATING AUTOIMMUNE DISEASES

Attorney Docket No.: 1974.003

"EXPRESS MAIL" MAILING LABEL NO.: EL910605394US

DATE OF DEPOSIT: October 9, 2001

Enclosed are:

- \* Utility Patent Application Transmittal - Small Entity (in duplicate)
- \* Specification (11 pages), 21 Claims (3 pages) and Abstract (1 page)
- \* Certified English language translation of Parent PCT Application as published, and Claims as amended during PCT prosecution on July 19, 2001 (18 pages)
- \* Copy of Parent PCT Application as published in German Language, including cover page, specification, claims and drawings (22 pages)
- \* 6 Sheets Formal Drawings
- \* Communication
- \* Unexecuted Declaration and Power of Attorney
- \* Information Disclosure Statement and Citation; copies of cited references
- \* Patent Application Bibliographic Data - ePAVE
- \* One Postcard

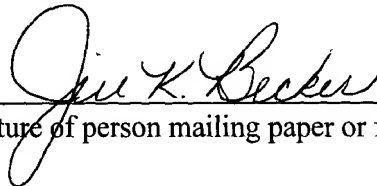
### 37 CFR 1.10 Certification

I hereby certify that this paper and the indicated enclosures are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and addressed to:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Jill K. Becker

(Typed or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: BUDD *et al.*

Atty Dkt No.: 1974.003

Serial No.: Unknown, Continuation of PCT/EP00/03019

International Filing Date: 05 April 2000

Priority Data: DE 199 15 465.1 6 April 1999

Title: CASPASE INHIBITORS FOR INHIBITING BLOOD CELL PROLIFERATION AND  
FOR TREATING AUTOIMMUNE DISEASES

Assistant Commissioner for Patents

Box Patent Application

Washington, D.C. 20231

COMMUNICATION

Dear Sir:

The above-captioned patent application is filed under 37 CFR 1.53(b) as a continuation of International Application Number PCT/EP00/03019, filed April 5, 2000 and claims priority from German Patent Application Number DE 199 15 465.1, filed April 6, 1999. The thirty month date from priority is October 6, 2001; that date being a Saturday and the following Monday being a USPTO holiday, this continuation is timely filed.

The supporting documents for this filing include a copy of the specification and claims as published in the German language under the PCT on October 12, 2000 as WO 00/59536, as well as facsimile copies of certified English language translations of the specification and claims as published and of the claims as amended during the International prosecution. All of the amended claims were found to satisfy PCT requirements for novelty, inventive step and industrial applicability.


The specification filed herewith, comprises the aforementioned English language translation reformatted in accordance with USPTO Practice, to include paragraph numbering, a

cross-reference to the related PCT application, a claim for foreign priority and an Abstract. In addition, the application includes a set of claims drafted in form for United States examination. No new matter has been introduced.

Applicants respectfully request examination and consideration of claims 1-21.

Respectfully submitted,

Date: October 9, 2001



Candice J. Clement, Esq.

Attorney for Applicants

USPTO Registration Number 39,946

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